

**Application No. 09/909,288**  
**Amtd. Date January 7, 2004**  
**Reply to Official Action (Paper No. 10) of October 7, 2003**

### **REMARKS/ARGUMENTS**

#### **Status Of The Claims**

The Official Action dated October 7, 2003, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present invention in better condition for allowance. Reconsideration and allowance of all remaining claims is respectfully requested.

In the present amendment, Claims 1-29, 36 and 37 are canceled without prejudice. New Claims 38-66 have been added. Claims 38-66 remain in the application for consideration.

#### **Formal Matters**

Under 35 U.S.C. § 119(b) the Examiner has acknowledged receipt of certified copies of references PCT/US00/34907, PCT/US00/34906, PCT/US00/20255 and PCT/US00/19619 of which Applicants claim priority to in this application.

In the Official Action, the Examiner has withdrawn the rejection of Claims 14-19 and 22-27 under 35 U.S.C. § 112, second paragraph and prior objections. For the record, there are no further objections or rejections under § 112 outstanding.

#### **Rejections Under 35 U.S.C. § 103(a)**

- A. Claims 1-18, 20-28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Culshaw, et al., U.S. Patent 5,202,050 (hereinafter referred to as "Culshaw, et al.") in view of Japanese reference JP 8-151597 (hereinafter referred to as "JP '597").

Claims 1-18, 20-28, and 37 have been canceled. It is submitted that the hard surface cleaning compositions as defined by new Claims 38-66 are non-obvious over and patentably distinguishable from Culshaw, et al. in view of JP '597. Accordingly, reconsideration is respectfully requested.

- B. Claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Feng U.S. Patent 5,929,007 (hereinafter referred to as "Feng") in view of Culshaw, et al. and JP '597.

Claims 1-28 have been canceled. It is submitted that the hard surface cleaning

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compositions as defined by new Claims 33-66 are non-obvious over and patentably distinguishable from Feng in view of Culshaw, et al. and JP '597. Accordingly, reconsideration is respectfully requested.

- C. Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Culshaw, et al. in view of JP '597 or Feng in view of Culshaw, et al. and JP '597 as applied to the rejection of Claim 1, from which Claim 29 depends, and further in view of the Ofosu-Asante U.S. Patent 5,739,092 (hereinafter referred to as "Ofosu-Asante").

Claim 29 has been canceled. It is submitted that the hard surface cleaning composition as defined by new Claims 38-66 are non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in view of Ofosu-Asante. Accordingly, reconsideration is respectfully requested.

- D. Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Culshaw, et al. in view of JP '597 or Feng in view of Culshaw, et al. and JP '597 as applied to previous claims, and further in view of WO 99/19441 (hereinafter referred to as "WO '441").

Claim 36 has been canceled. It is submitted that the hard surface cleaning product as defined by new Claims 38-66 are non-obvious over and patentably distinguishable from Culshaw et al, Feng and JP '597 in view of WO '441. Accordingly, reconsideration is respectfully requested.

- E. Claims 1-29 and 36 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 14-23 and 32-37 of U.S. Patent Application Serial No. 10/253,113; Claims 31-32 of U.S. Patent Application Serial No. 09/909,233; Claims 22-23 of U.S. Patent Application Serial No. 10/109,344; Claim 77 of U.S. Patent Application Serial No. 09/909,403; and Claim 80 of U.S. Patent Application Serial No. 09/910,281.

Applicants will consider submitting a terminal disclaimer when allowable subject matter is indicated.

#### CONCLUSION

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. § 103, placing the present application in condition for

**Application No. 09/909,288**  
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allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

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